were properly disposed, leading one into another without Confusion; where every part was subservient to ye whole, all uniting in one beautiful Symmetry: & every Room had its distinct Office allotted to it. But as it is now, swoln, shrunk, curtailed, enlarged, altered & mangled by various & contradictory Statutes &c; it resembles ye same Edifice, with many of its most useful Parts pulled down, with preposterous Additions in other Places, of different Materials & coarse Workmanship: according to ye Whim, or Prejudice, or private Convenience of ye Builders. By wch means the Communication of ye Parts is destroyed, & their Harmony quite annihilated; & now it remains a huge, irregular Pile, with many noble Apartments, tho' awkwardly put together, & some of them of no visible Use at present. But if one desires to know why they were built, to what End or Use, how they communicated with ye rest, & ye like; he must necessarily carry in his Head ye Model of ye old House, wch will be ye only Clew to guide him thro' this new Labyrinth.

"I have trespassed so far on yr Patience, that I am almost afraid to venture any farther. But I happen'd t'other day upon a Case in a Civil Law Book, wch I should be glad to know how you imagine Chancery wd decide. A Man dies & leaves his Wife with Child: & by his Will ordains that, if his Wife brought forth a Son; ye Son shd have 2 3ds & ye Mother one 3d of ye Estate: If a Daughter, then ye Wife to have 2, & ye Daughter 1 3d. The Wife brought Twins, a Boy & a Girl. Qu. How shall ye Estate be divided? NB. We must suppose a Jointure, or something, in Bar of Dower.

"We are quite in ye Dark as to Intelligence here in Town; You must observe what strange, perplexed, incoherent Accts ye Gazette affords us. I fear our Loss in Scotland was greater than they care to own. But at ye same time, even Victory must lessen ye Number of ye Rebels, while we are continually recruiting. There is a Talk of assessing all personal Estates & raising thereby 3 millions. If so ye Assessment must run high.

"I was sensibly concerned at hearing of Mat. [?] Richmond's Illness; but hope, by not hearing lately anything further, that all is well again. My hearty Goodwishes attend him, & my Cousin, who I shd think might take a Trip to Town this Spring. My Aunt of Worting [?] will be at Lincolns-inn-fields about Easter; & probably wd be glad of a Companion to partake of some of ye gay Diversions.

"Excuse, Sir, this tedious Length, wch I promise never to be guilty of again, & when You have an idle hour, be so good as to think of, Sir,

"Your most obliged humble Servant

"WILL. BLACKSTONE"

ARUNDEL-STREET
Jan. 28. 1745

BOOK REVIEWS

THE CENTENNIAL HISTORY OF THE HARVARD LAW SCHOOL, 1817–1917. Cambridge: Harvard Law School Association. 1918. $1.50.

To an Englishman trained at Oxford or Cambridge, the Harvard Law School is by far the most interesting educational experiment in America. The average American college has contributed little to the technique of academic life. It has

invented no new tool. Its corporate life has no institutions about which an Oxford man could feel the excitement of original and valuable discovery. But of the Harvard Law School the reverse is emphatically the case. Its theory of teaching, its method of organization, its conception of the place of the law in university studies, are all of them genuinely novel. Its great personalities, Langdell, Thayer, Ames, Gray, are hardly less part of the traditions of English legal learning than of American scholarship; for gratitude has led to their annexation. Mr. Justice Holmes, in a special sense a Law School man, is the one American scholar that an Englishman would rank with Bowen in judicial, and Maitland in historical, eminence. A foreigner comes to the Harvard Law School, that is to say, in something of the same spirit in which he goes to Paris and Berlin. He is in the laboratory where great discoveries have been made.

This volume is an interesting monument to the first century of the school's life. It has value from many points of view. The History itself is a warning no less than an example of the difficulties in the path of original effort. The discussion of the library, with its almost nonchalant reference to its inexhaustible treasures, makes an Englishman almost ashamed of Codrington in Oxford and the Squire in Cambridge. The section on student life is perhaps less satisfactory. It describes, but it does not explain, why and how the indifference of the average American undergraduate to things of the mind is exchanged for an unlimited enthusiasm in the first few months of law-school life. The lives of the law-school teachers are of fascinating interest. Ames and Gray and Langdell begin to assume the majestic proportions of Mark Pattison and Jowett. One is struck by the wide territory from which the school has drawn its teachers, and by the width of the topics they have covered in their instruction. The bibliography of their writings must have been an immense labor; but it is a precious possession. It leaves one almost in despair to read of what Ames, Beale, Gray, and Pound somehow managed to get written alongside their actual instruction; and the despair is deepened by contact with their quality. One gets the sense that nothing can be done with the same depth of learning and yet consistent freshness that they bring to their work. A special word is due to the list of books on the case-system. For America, at least, this topic is now closed; but America has still to convert the parent of her law. It is greatly to be hoped that the Alumni Association will use this volume as an instrument for producing conviction.

For this is the real value of the book. It is essentially a study in the method of teaching law, and its thesis, to one reader at least, seems to be unanswerable. It has triumphed because it is the only way in which principles can be studied as dialectic instead of dogma. The student makes out his own certainties, and the assistance he receives from the teacher serves less to increase the information at his disposal — that depends upon his own effort — than for the deepening of his perceptions. He learns the law, in fact, not as a set of rules in a handbook, but as an attempt to clarify a branch of life. But the time has passed when the classic system of Langdell was adequate by itself. With the advent of the collectivist age, and the discovery of Europe by America, it has become essential to study law not merely in isolation but in relation to those collateral sciences which throw light upon its meaning. The study of Roman jurisprudence, of the canon law, of politics and economics, have become essential to the proper orientation of the Anglo-American system. They are advanced studies upon which embarkation is profitable rather when the common law is understood than concurrently with the attempt to understand it. Something of this, it is clear, was grasped by Ames, as also by Gray in that little book on jurisprudence which challenges preëminence with his work on perpetuities. But it has been reserved for Mr. Pound to see, in all its ramifications, the bearing of this new need. Mr. Justice Holmes apart, he has done more than any

living American to make law a philosophy of life, and the school is fortunate in possessing him at what is clearly destined to be a critical epoch in its fortunes. A stranger may be permitted the remark that the supremacy of Harvard among schools of law will in large part depend upon the support given to him by the alumni.

In the next edition it is greatly to be hoped that the portraits of Professors Hill and Frankfurter will be exchanged for something more nearly human. At present they are two distinct crimes.

H. J. L.

SELECT CASES ON TRUSTS. By Austin Wakeman Scott, Professor of Law in Harvard University. pp. i–xiii, 1–842.

In 1882 Professor James Barr Ames of Harvard Law School published the first edition of his Cases on Trusts. This was followed in 1893 by a second edition, which has become the standard case-book on the subject in practically all American law schools. The annotations in the second edition, and Professor Ames' theory of selection and arrangement of the cases, were an important contribution to legal scholarship; the annotations, supplemented by Professor Ames' published articles on the law of trusts, have influenced legal thought on this subject in the United States more profoundly than probably any other published discussion of it. There were, however, gaps in Professor Ames' case-book which, with the shifting emphasis on various phases of the subject, made its use as a textbook in law schools increasingly difficult. Especially inconvenient was the omission of cases dealing with the resulting and constructive trusts and charitable trusts. In order to fill these gaps and to present more adequately the development of the subject during the past twenty-five years Professor Scott has prepared the present volume. In performing this difficult task he has had the advantage of the free use of Professor Ames' notes in both published and manuscript form. He has made a painstaking search and selection of the more modern authorities and has added many valuable notes to those prepared by Professor Ames which for the most part have been retained. The practical result is that Professor Ames' case-book has been brought down to date, its most conspicuous omissions corrected, and it has been expanded from a volume of five hundred and twenty-seven to one of eight hundred and thirty-six pages. The new case-book is well indexed; it contains a table of cases, a table of statutes, a bibliography, and a chronological list of Lord Chancellors and Lord Keepers. The most notable additions are the cases on resulting and constructive trusts and on charitable trusts previously published in pamphlet form by Professor Scott. The cases on these subjects furnish two hundred and thirty-two additional pages. There is a new chapter on "The Termination of Trusts"; there is a very necessary addition of a number of important cases on "Who are Purchasers for Value"; there are added sections on "A Trust Distinguished from a Use," "A Trust Obligation Distinguished from Liability for a Tort," "A Trust Distinguished from a Condition," "A Trust Distinguished from a Mortgage or Pledge," — all subjects which, in the interest of economy of time, most instructors will be inclined to treat without any extensive reading of cases.

The book in many respects is an improvement on Professor Ames' collection, prepared with a diligence and scholarly thoroughness for which Professor Scott is entitled to the commendation and hearty appreciation of teachers of this subject in American law schools. It was no light task to improve Professor Ames' case-book, even with the foundation which he laid and the aid of his notes and unpublished material. One would therefore offer any criticisms of Professor Scott's case-book with some hesitation without having first subjected it to the actual test of class-room use. There is, however, one feature of